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JFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

DRAKE

Atty. Ref.: 4480-19

Serial No. 10/072,916

TC/A.U.: 1771

Filed: February 12, 2002

Examiner: Juska

For: EASY RELEASE SYSTEM

\* \* \* \* \*

January 28, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF POWER OF ATTORNEY**

Enclosed is an Exclusive Substitute Power of Attorney and Exclusive Prosecution Hereafter by Assignee under 37 C.F.R. §§ 1.36, 3.71 and 3.73 for the above-identified application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: Richard Besha  
Richard G. Besha  
Reg. No. 22,770

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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

MOHAWK BRANDS INC., being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

MOHAWK BRANDS INC. also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

DRAKE  
Serial No. 10/072,916

Certificate Under 37 C.F.R. §3.73(b)

MOHAWK BRANDS INC., a corporation having a place of business at Suite 900, 300 Delaware Avenue, Wilmington, Delaware 19801 states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached and filed for recordation at the United States Patent Office on July 24, 2004.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of MOHAWK BRANDS INC.

MOHAWK BRANDS INC.

12-15-04 By: Frank H Boykin  
Date Name: Frank Boykin  
Title: Vice President



RECORDATION FORM COVER SHEET

PATENTS ONLY

Our Ref.: 4480-1

Mail Stop Assignment Recordation Services

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Burlington Industries, Inc.

Additional name/s of conveying party/ies attached?

3. Nature of conveyance:  
 Confirmatory Assignment  Merger  
 Security Assignment  Change of Name  
 Other

Execution Date: July 24, 2004

2. Name and address of receiving party(ies):

Name: Mohawk Brands Inc.  
 Internal Address: Suite 900  
 Street Address: 300 Delaware Avenue

City: Wilmington  
 State/Country: Delaware  
 Zip: 19801

Additional name/s & address/es attached?  Yes  No

4. Application number(s) or patent number(s):  
 If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No(s).  
 (1) See attached Schedule B (14 applications)  
 (2)  
 (3)

B. Patent No(s).  
 (1) See attached Schedule A (25 patents)  
 (2)  
 (3)

Additional numbers attached  Yes See attached Schedules A and B

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard G. Besha.

Internal Address: \_\_\_\_\_

Street Address: Nixon & Vanderhve P.C.  
1100 North Giebe Road  
3<sup>rd</sup> Floor

City: Arlington State: VA Zip: 22201

6. Total number of applications & patents involved: 39

7. Total fee (37 CFR 3.41) \$ 1560.00  
 Enclosed  
 Authorized to be charged to deposit account #14-1140

8. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.

DO NOT USE THIS SPACE

9. Statements and signature.  
 To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard G. Besha *Richard Besha* August 2, 2004  
 Name of Person Signing Signature Date

Reg. No. 22,770

Total number of pages including original cover sheet, attachments, and document: [8]

## CONFIRMATORY ASSIGNMENT

WHEREAS, Burlington Industries, Inc., a Delaware corporation of 3330 West Friendly Avenue, Greensboro, North Carolina 27410 (hereinafter referred to as ASSIGNOR) has, by prior agreement dated November 10, 2003, sold, assigned and transferred the entire, right, title and interest in and to certain U.S. Letters Patents and U.S. Applications for Letters Patent listed on respective Schedules A and B attached hereto (collectively called the "Patents and Applications") to Mohawk Brands, Inc. a Delaware corporation of 300 Delaware Avenue, Suite 900, Wilmington, Delaware 19801 (hereinafter referred to as ASSIGNEE);

WHEREAS ASSIGNORS desire by this confirmatory assignment to confirm and record that, under the prior agreement dated November 10, 2003. ASSIGNORS did sell, assign and transfer the entire right, title and interest in and to the Patents and Applications of Schedules A and B to ASSIGNEE.

NOW, THEREFORE, in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR does hereby confirm that under the prior agreement dated November 10, 2003, ASSIGNORS have sold, assigned and transferred and by these presents does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest in and to the Patents and Applications of Schedules A and B, the same to be held and enjoyed by the said ASSIGNEE, its successors, assigns and legal representatives as fully and entirely as

the same would have been held by the said ASSIGNOR had this Assignment and the prior agreement of November 10, 2003 not been made.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed effective as of the 24 day of ~~May~~<sup>July</sup>, 2004 by it duly authorized officer.

BURLINGTON INDUSTRIES, INC.

By: [Signature]  
Title President

(CORPORATE SEAL)

STATE OF NORTH CAROLINA )  
COUNTY OF GUILFORD )

On this 24<sup>th</sup> day of ~~May~~<sup>July</sup>, 2004, before me personally appeared John Jay III, to me known and known to me to be the individual described in and who executed the foregoing instrument and acknowledged to me that he executed the same as PRESIDENT of the above noted corporation and that he was duly authorized to execute the same as the act of and on behalf of said corporation

[Signature]  
Notary Public

My Commission Expires: 8/17/2007



**BEST AVAILABLE COPY**



PATENTS -- SCHEDULE A

Patent No. & Issue Date	Serial No. & Filing Date	Inventors	Title	Burlington Dkt. No.
4,617,210 10/14/86	712,035 3/15/85	Zybko	Self-Sticking Tiles	961
4,680,209 7/14/87	884,929 7/14/86	Wald, et al.	Self-Sticking Carpet Tile	1016
5,085,667 2/04/92	552,178 7/12/90	Jenkins	Improved Stain Resistance of Nylon Carpet: Cationic-Dyeable Nylon Fibers Dyed with Acid Dye	1212
5,199,958 4/06/93	732,201 7/19/91	Jenkins, et al.	Stain Resistant Multi-Color Textured Cut Pile Carpet: Cationic-Dyeable Nylon Yarn Dyed with Anionic Dyes and Anionic-Dyeable Nylon Yarn	1224
5,350,426 9/27/94	104,611 8/11/03	Jenkins	Chlorine Resistance Cationic Dyeable Carpet Yarn	1234
5,354,342 10/11/94	104,927 8/12/93	Jenkins	Stain Resistant Multicolored Textured Cut Pile Carpet	1233
5,383,415 1/24/95	995,297 12/21/92	Padgett	Textured Surface Effect Fabric and Methods of Manufacture	1231
5,466,527 11/14/95	335,951 11/03/04	Jenkins	Stain Resistance of Nylon Carpet	1238
5,549,064 8/27/96	328,164 10/24/94	Padgett	Textured Surface Effect Fabric	1258
5,560,307 10/01/96	429,838 4/27/95	Padgett, et al.	Variable Gauge Fabric	1244

Patent No. & Issue Date	Serial No. & Filing Date	Inventors	Title	Burlington Dkt. No.
5,571,290 11/05/96	533,817 9/25/95	Jenkins	Stain Resistance of Nylon Carpet	1268
5,605,107 2/25/97	466,394 6/06/95	Padgett, et al.	Method of Manufacturing Variable Gauge Fabrics	1267
5,658,430 8/19/97	560,124 11/17/95	Drake, et al.	Carpet Over Carpet Installation Adhesive	1269
5,804,273 9/08/98	783,286 1/10/97	Drake, et al.	Floorcovering with Carpet Over Carpet and Hook and Loop Fasteners	1273
5,849,387 12/15/98	783,282 1/10/97	Drake, et al.	Floorcovering with Carpet Over Carpet Held on by Adhesive	1272
5,912,409 6/15/99	688,042 7/29/96	Jenkins	Stain Resistance of Nylon Carpet	1270
6,013,111 1/11/00	143,517 8/28/98	Jenkins	Stain Resistance of Nylon Carpet	1285
6,120,559 9/18/00	311,639 5/14/99	Bell	Treatment of Dyed Nylon Fibers to Prevent Degradation Cused by Ultraviolet Light	1278
6,162,309 12/19/00	063,377 4/21/98	Brodeur, et al.	Reinforced Foam Backed Carpet	1281
6,413,335 7/02/02	444,409 11/22/99	Drake	Easy Release Procedure	1293
6,457,961 10/01/02	136,523 8/19/98	Drake	Easy Release System	1277
6,544,299 4/08/03	778,959 2/08/01	Bell	Water Bleed Inhibitor System	1344



<b>Patent No. &amp; Issue Date</b>	<b>Serial No. &amp; Filing Date</b>	<b>Inventors</b>	<b>Title</b>	<b>Burlington Dkt. No.</b>
6,632,254 10/14/03	662,113 9/14/00	Bell	Treatment of Dyed Nylon Fibers to Prevent Degradation Caused by Ultraviolet Light	1288
5,567,256 10/22/96	360,153 12/21/94	Queen, et al.	Process of Making Cotton Room-size Rugs	1256
6,627,290 9/30/03	032,131 12/31/01	Wittlinger, et al.	Surface Treatment for Floors, Walls or Ceilings	1360



PATENT APPLICATIONS – SCHEDULE B

SERIAL NO.	FILING DATE	INVENTORS	TITLE	Burlington Dkt. No.
09/639,307	8/16/00	Brodeur, et al.	Reinforced Foam Backed Carpet	1330
09/846,782	5/02/01	Hutchison	Tufted Covering for Floors and/or Walls	1343
09/986,058	11/07/01	Bell	Use of Waste Carpet as Filler	1376
10/072,916	2/12/02	Drake	Easy Release System	1375
10/210,210	8/02/02	Jenkins	Dyeing of Cationic Dyeable Biconstituent Fiber with Anionic or Acid Dyes	1385
10/348,347	1/22/03	Jauregui	Tile Coverings with Borders and Inserts and Methods of Installation	1369
10/376,298	3/03/03	Bell	Use of Waste Carpet as Backing Filler for Floor Coverings	1407
10/378,683	3/05/03	Bell	Recycled Polyvinyl Butyral Compositions and Users	1377
10/453,788	6/04/03	Hutchison, et al.	Woven Face PVC Floorcovering	1403
10/459,722	6/12/03	Hutchison	Variable Optical Effect Textile	1413
10/460,636	6/13/03	Whitten, et al.	Covering for Floors and/or Walls	1408
10/612,284	7/03/03	Hutchison	Soiling Detector for Fabrics	1410

<b>SERIAL NO.</b>	<b>FILING DATE</b>	<b>INVENTORS</b>	<b>TITLE</b>	<b>Burlington Dkt. No.</b>
10/627,964	7/28/03	Shail, et al.	Improved/Alternate Method for Applying Hot Melt Adhesives to Carpet	1417
10/641,015	8/15/03	Loyd, et al.	Open Mesh in Tufed Wall or Floor Covering	1401